

EXHIBIT 2

Fitzpatrick, Bridget

From: Steve Susman <SSusman@SusmanGodfrey.com>
Sent: Thursday, October 02, 2014 9:49 AM
To: Fitzpatrick, Bridget; Harry Susman; Terry Oxford; David Shank; Steven Shepard; Mark Hatch-Miller
Cc: Zerwitz, Martin; Worland, John; Miller, Gregory N
Subject: RE: SEC v. Wyly
Attachments: Your Call on Monday

Importance: High

Donnie has now approved this: Here's email I was about to send (Sam has approved, but Donnie is traveling and I want to make sure he agrees). I should hear today. See below for particular responses. **One clarification: my clients cannot provide you with the financial statements of family members other than themselves.**

Steve Susman
560 Lexington Ave, 15th Floor
New York, NY 10022
212-336-8331 713-653-7801
Cell 713-478-6444
www.susmangodfrey.com
ssusman@susmangodfrey.com

[See Steve's talk on Juries on Oct. 22, 2013, to Yale Law School Chapter of the American Constitution Society](#)

[Watch Steve's interview with LTN](#)

[See Steve's Penn Law School Lecture on Joy of Lawyering](#)

Founder of
<http://trialbyagreement.com>

From: Fitzpatrick, Bridget [<mailto:FitzpatrickBr@SEC.GOV>]
Sent: Thursday, October 02, 2014 8:35 AM
To: Steve Susman; Harry Susman; Terry Oxford; David Shank; Steven Shepard; Mark Hatch-Miller
Cc: Zerwitz, Martin; Worland, John; Miller, Gregory N
Subject: SEC v. Wyly

Steve,

As I mentioned on the phone, we intend to move for a temporary order to preserve any assets that may be used to satisfy an eventual judgment and to obtain discovery as to what assets exist, including an accounting. My understanding from our conversation is that you do not object to a temporary asset freeze to the extent it would impact Sam Wyly or the Estate of Charles Wyly, but that you cannot agree to the extent it would address any potential dissipation stemming from the conduct of third parties, including the Wylys' agents, servants, employees, family members, heirs, assigns, attorneys, or trustees. I would appreciate it if you could confirm that this is your position. **[Steve Susman]** Yes, subject to allowing them to pay for living and legal expenses.

Also, it is my understanding that the Wylys would permit SEC accountants to access all relevant records at the Wyly family Office in Dallas. We would like to adequately prepare our people for any trip to Dallas to ensure that we can be as efficient as possible. To this end, would you mind sending us the following:

- (1) A list of assets and accounts held by Sam Wyly and the Estate of Charles Wyly over which an agreed, temporary asset freeze would apply and the locations of those assets and accounts; **[Steve Susman]** Fine
- (2) All Wyly family financial statements that have been created since the end of 2005; **[Steve Susman]** fine
- (3) A list of the types of records held in Dallas and the entities to which they pertain; **[Steve Susman]** I don't think this is a problem. I would urge you and Keeley to talk about how much detail is required. and
- (4) A list of all Wyly Family Office employees with a brief description of their responsibilities. **[Steve Susman]** fine

Does the Wyly Family Office have records detailing the activities of the Isle of Man entities and all subsidiary entities wherever domiciled over the last 8-9 years, as well as their current holdings? If not, where are such records held? I assume your agreement to voluntarily provide us access extends to any locations where the relevant records may be kept but please confirm. **[Steve Susman]** Yes, location is not an issue if my clients have custody of the documents or can get them upon request.

Regards,

Bridget Fitzpatrick

Fitzpatrick, Bridget

To: Wyly-OC
Cc: Wyly-SG
Subject: Your Call on Monday

Importance: High

This confirms what I told you on the call on Monday before checking with my clients, who approve what I said:

1. As is true from the months before trial when we were discussing our clients' limited financial ability, they are willing to provide you with all documents which they control regarding their current financial situation or any past significant transfers. There is limited space at their offices in Dallas, so give them some warning of how many people you intend to send and when. They are agreeable for you to talk directly to Ms. Hennington to work out logistics and timing.
2. My clients are also willing to try to work out an acceptable order that prevents them from disposing of their assets but allows them to pay living and legal expenses. Please send me an outline of what you have in mind.
3. Evan Wyly and Martha Miller are currently represented by David Kornblau of Covington & Burling. You are welcome to contact him directly.
4. We understand that the other beneficiaries are currently seeking counsel and will let you know their names as soon as we learn them.

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